

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – RWS&S Department – Allegations of diverting the funds in violation of the orders issued in G.O.Ms.No.345, PR&RD (RWS.IIA) Dept., dt.12.03.2007 without permission from the Government – Disciplinary proceedings against Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No. 650.

Dated: 08.05.2014

ORDER:

It is proposed to hold an enquiry against Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VIIKAS RAJ
SECRETARY TO GOVERNMENT

To

Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool through the Engineer-in-Chief, RWS&S, Hyderabad.

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The Engineer-in-Chief, RWS &S, Hyderabad.

(in duplicate with a request to serve and return the dated acknowledgement copy)

Copy to:

The PR&RD (Estt.I) Department.

SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No. 650 , PR&RD (Vig.IA) Dept., dt.08.05.2014)

STATEMENT OF ARTICLE OF CHARGES AGAINST SRI V. GOPALAKRISHNA, THE THEN SUPERINTENDING ENGINEER, RWS&S CIRCLE, ONGOLE, PRAKASAM DISTRICT NOW SUPERINTENDING ENGINEER, RWS&S, KURNOOL.

CHARGE:

That Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, has diverted the funds without prior permission from the Government, which is contrary to the orders issued in G.O.Ms.No.345, PR&RD (RWS.IIA) Dept., dt. 12.03.2007. Thus, he has misused his official position for his personal gain in contravening the A.P.Civil Services (Conduct) Rules, 1964.

Basis:

The Hon'ble Upa-Lokayukta in its orders dt. 28.02.2013 in Complaint No.1574/2010/B2 has observed that Sri Cherukuri Hari Babu, Ramkur Post, J. Pangulu Mandal, Prakasam district, has filed complaint against the Superintending Engineer, RWS&S Circle, Ongole, Prakasam district stating that the Government in G.O.Rt.No.345, PR&RD (RWS.IIA) Dept., dt. 12.03.2007 sanctioned administratively CPW Scheme with an estimated cost of Rs.5 crores namely "CPWS scheme to Ballikurava and J. Pangulur Mandals" under TFC grant. In the said scheme 10 villages in Ballikurava Mandal and two villages viz., Ramkur and Lakkavaram villages in J. Pangulur Mandal are covered. There is no protected water supply in Ramkur villages, even though the village is located very near to the national highway No.5. In respect of Ramkur village, an amount of Rs.82.58 lakhs was shown in the estimate and the same was sanctioned by the Government. The foundation stone for the said work was laid on 01.08.2008. The work was entrusted to Sri B. Ramanjaneyulu, Contractor on tender basis with 4.91% excess on material component and 17.71% excess on Civil component and entered into agreement for the three segments namely Viadana, Konidena, and Ramkur. The Ramkur segment work was not started on the pretext that the Gram Panchayat Sarpanch did not handover the site.

Further, the Superintending Engineer, RWS, in his report dt. 21.04.2010 stated that that as the Ramkur segment work was not taken up, the amount of Rs.73.68 lakhs was diverted to the two new works of other villages on the pretext that the said works were proposed by the MLA. Neither the Chief Engineer nor the Superintending Engineer is competent to divert the amount sanctioned by Government at their level without approval of the Government.

The complainant stated that the reason that the Gram Panchayat has not handed over the site is not correct. In fact, the contractor has requested the Gram Panchayat to hand over the site namely "Singara Cheruvu" for improvement and converting the same into summer storage tank. The Sarpanch failed to hand over the tank for improvement to the contractor as the contractor did not yield to his demands. The Superintending Engineer, RWS (Public servant) instead of bringing the matter to the notice of the District Panchayat Officer and the District Collector on flimsy grounds diverted the amount to other villages which were not shown in the estimate sanctioned by the Government as against rules.

The Government further sanctioned an amount of Rs. 30 lakhs under ARWS (Indiramma Phase-II) to Ramkur Village for providing PWS scheme vide G.O.Ms.No.487, dt. 30.10.2007. The public servant called for tenders on 07.02.2008 for the work Providing PWS scheme to Ramur village with an estimate cost of Rs.25.54 lakhs. Subsequently, the public servant repeatedly failed three times to finalise the tender (e-procurement) even though the sufficient bidders participated with less quotation and technically qualified in several tenders. Thus, the Public Servant is acting against the rules and working with malafide motives to favour particular persons. Thus, the officials of RWS Dept. are playing with the lives of people for the last three years despite sanctioned by Government without finalizing tenders.

(PTO)

Hence, the complainant requested the Institution to enquire into the matter and issue directions to the public servant for rectifying the said defects and execute the works sanctioned by the Government vide the aforesaid G.O. within a time frame so as to provide safe drinking water to the public of Ramkur village.

After registering the complaint, a report was called for from the Govt., and over all reading of all these reports discloses that the then Superintending Engineer Sri V. Gopalakrishna has diverted the funds without prior permission from the Government contrary to the orders issued in G.O.Ms.No.345, PR&RD (RWS.IIA) Dept., dt. 12.03.2007. Hence, in view of the above circumstances, a notice was issued to the complainant to submit his explanation as to why the matter should not be referred to the competent authority under Rule 5 (8) of A.P. Lokayukta and Upa-Lokayukta (Invn.) Rules, 1984 for taking necessary action against Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole Prakasam District. But, no explanation has been received from the complainant.

While observing the above, the Hon'ble Upa-Lokayukta has ordered that this complaint is closed under Rule 5 (8) of the A.P. Lokayukta and Upa-Lokayukta (Invn.) Rules, 1984 for forwarding the complaint to the competent authority to take action against Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District, for diverting the funds against the above G.O. without permission from the Government, after giving an opportunity to the complainant as well as the public servant as per C.C.A Rules and submit action taken report within four months.

As per the orders dt.28.02.2013 of Hon'ble Upa-Lokayukta, in Govt. Memo No.1476/Vig.IA/2013-1, PR&RD (Vig.IA) Dept., dt. 27.06.2013, an explanation was called for from Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District, as to why disciplinary action should not be taken against him for his disobedience in diverting the funds against the G.O.Ms.No.345, PR&RD (RWS.IIA) Dept., dt. 12.03.2007, without permission from the Government, within (15) days from the date of receipt of the memo. The individual Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District, has not submitted his explanation but he acknowledged the show cause notice on 07.02.2014.

From the above, it is evident that Sri V. Gopalakrishna, the then Superintending Engineer, RWS&S Circle, Ongole, Prakasam District now Superintending Engineer, RWS&S, Kurnool, has diverted the funds without prior permission from the Government, which is contrary to the G.O.Ms.No.345, PR&RD (RWS.IIA) Dept., dt. 12.03.2007. Thus, he has misused his official position for his personal gain and his action is in violation of the A.P.Civil Services (Conduct) Rules, 1964.

Hence, the charge.

VIKAS RAJ
SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

(Annexure to G.O.Rt.No. 650 , PR&RD (Vig.IA) Dept., dt.08.05.2014)

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI V. GOPALAKRISHNA, THE THEN SUPERINTENDING ENGINEER, RWS&S CIRCLE, ONGOLE, PRAKASAM DISTRICT NOW SUPERINTENDING ENGINEER, RWS&S, KURNOOL.

Orders dt. 28.02.2013 of Hon'ble Upa-Lokayukta, Hyderabad in Complaint No.1574/2010/B2.

VIKAS RAJ
SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

(Annexure to G.O.Rt.No. 650 , PR&RD (Vig.IA) Dept., dt.08.05.2014)

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI V. GOPALAKRISHNA, THE THEN SUPERINTENDING ENGINEER, RWS&S CIRCLE, ONGOLE, PRAKASAM DISTRICT NOW SUPERINTENDING ENGINEER, RWS&S, KURNOOL.

- NIL -

VIKAS RAJ
SECRETARY TO GOVERNMENT

SECTION OFFICER